

November 24, 2018

Mrs. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Appellant Name: Lori Puckett, Consultant for the Applicant

Appellant CRN: 16062923

Applicant: Polo School District R7

BEN: 137235

FCC Form 471 Application Number 928263

FRN: 2534995

FY: 2013

RE: Request for Review

USAC Administrator's Decision on Appeal of Recovery of Improperly Disbursed Funds
CC Docket No. 02-6

Dear Mrs. Dortch:

The Polo School District R7 is appealing USAC's Denial of Ceasing Recovery of Improperly Disbursed Funds decision dated September 26, 2018, having the following reason:

- USAC states in the September 26, 2018 Administrator's Decision on Appeal-FY 2013 that the invoicing deadline for the Funding Request Number (FRN) 2534995 was December 28, 2015. That the district did not submit a BEAR form for that FRN by that deadline, and therefore was ineligible for relief under the *Jefferson-Madison Reconsideration Order, DA 17-526, based on lack of timely service provider certification before the invoice filing deadline.*

Our appeal to USAC to Cease Recovery of Improperly Disbursed Funds was denied for the above reason. However, the district did comply with the December 28, 2015 invoicing deadline by filing the following FCC BEAR Form 472:

USAC Invoice ID: 2196663

Created on 06/18/2015

BEN: 137235

FCC Form 471 Application Number 928263

FRN: 2534995

In addition, USAC issued the Form 472 BEAR Notification Letter on June 26, 2015 confirming certification of BEAR filed.

We are providing the following documents for the FCC Request for Review of USAC's decision for relief of the Recovery of Improperly Disbursed Funds:

Supporting Document #1-06/18/2015 USAC Invoice ID: 2196663 BEAR Invoice for FY 2013 Completion

Supporting Document #2-06/26/2015 USAC Form 472 BEAR Notification Letter

Supporting Document #3-06/18/2018 USAC Recovery of Improperly Disbursed Funds Letter

Supporting Document #4-09/26/2018 USAC Administrator's Decision on Appeal – Funding Year 2013

We respectfully request the FCC to direct USAC to grant our request to cease the Recovery of Improperly Disbursed Funds due to district's supporting documentation of filing a timely BEAR form for the approved funding disbursed for FY 2013.

Sincerely,

Lori Puckett, Consultant for Polo School District R7
(563)503-9564
fedfundsassistant@yahoo.com

Applicant: Polo School District R7
BEN: 137235
FCC Form 471 Application Number 928263
FRN: 2534995
FY: 2013

Supporting Document #1-06/18/2015 USAC Invoice ID: 2196663 BEAR Invoice for
FY 2013 Completion

[Home](#)
[New BEAR Form](#)
[Track Form](#)
[Bulk Download](#)
[Terms and Conditions](#)
[Deadline Extension](#)
[Logout](#)

View BEAR Invoice

 **PRINTABLE PAGE**

Invoice ID: 2196663
 Created on 6/18/2015 10:58 AM
 Last updated on 6/23/2015 5:03 AM

Applicant Form Identifier 472-1314

Block 1: Header Information

Need Help?

1. Billed Entity Name	2. Billed Entity Number	3. Service Provider Identification Number (SPIN)
POLO SCHOOL DISTRICT R 7	137235	143003000

Applicant FCC Form 498 ID

4. Contact Name	LORI PUCKETT
5. Contact Telephone Phone	(563) 503-9564
Contact Fax	
Contact Email	

6. Total Reimbursement Amount
 (total from Block 2, Column 14)
 \$ 3129.67

Block 2: Line Item Information Per Funding Request Number

Need Help?

7. FCC Form 471 Application Number (from Funding Commitment Decision Letter)	8. Funding Request Number (FRN) (from Funding Commitment Decision Letter)	9. Bill Frequency	10. Customer Billed Date	11. Shipping date to Customer or Last Day of Work Performed (mm/dd/yyyy)	12. Total (Undiscounted) Amount for Service	13. Discount Rate	14. Discount Amount Billed to USAC (Column 12 multiplied by Column 13)	Approval Status
1) 928263	2534995	WEEKLY		6/30/2014	\$ 3912.09	80	\$ 3129.67	COMPLETED

Block 3: Billed Entity Certification

Need Help?

Contact Information for Billed Entity Authorized Person:

By logging into your account using your PIN, checking this box, and clicking the "certify" button at the end of the form, you have electronically signed the form. You are reminded that an electronic signature is the same as a handwritten signature on the form. To see a copy of the Terms and Conditions to which you previously agreed, please click on the "Terms and Conditions" menu above.

Submission Date 6/18/2015

17. Name LORI PUCKETT
18. Title/Position CONSULTANT
20. Address 1 1416 16TH AVE
Address 2
City CAMANCHE
State IA
Zip Code 52730 -

19. Phone Number (563) 503-9564
19a. Fax Number
19b. Email
19c. Name of Authorized
Person's Employer

OMB Number 3060 - 0856 Form 472

[SLD Home](#) | [Contact Us](#)

Client Service Bureau: 1-888-203-8100

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Applicant: Polo School District R7
BEN: 137235
FCC Form 471 Application Number 928263
FRN: 2534995
FY: 2013

Supporting Document #2-06/26/2015 USAC Form 472 BEAR Notification Letter



Universal Service Administrative Company

FV 2013

Schools and Libraries Division

Form 472 (BEAR) Notification Letter

June 26, 2015

Thelma Harkrider
Westel, Inc.
8303 N. Mopac Expressway
Suite C400
Austin, TX 78759-8370

Re: Invoice Number - as assigned by USAC: 2196663
Service Provider Identification Number: 143003000
Reimbursement Form Number: 472-1314
Billed Entity Number: 137235

Lori Puckett
POLO SCHOOL DISTRICT 7
1416 16th Avenue
Camanche, IA 52730

Preferred Mode of Contact: E-mail at fedfundsassistant@yahoo.com
Total Amount of Reimbursement Approved for Payment: \$3129.67

This letter is your notification that the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has processed an FCC Form 472, "Billed Entity Applicant Reimbursement (BEAR)" Form from the above named applicant listing you as the service provider. USAC has committed to reimburse the discounted portion of the cost of eligible services provided to eligible entities pursuant to one or more FCC Forms 471, "Description of Services Ordered and Certification Form".

In certain instances, a line may not have been paid. Review the BEAR Letter Applicant Reimbursement Report (Report) following this letter for the reason(s) this may have occurred. For more information about lines that have not been paid, see the explanation of Invoice Error Codes in Step 9 on our website. Work with the applicant (your customer) to correct any errors. Once corrected, your customer may submit a new BEAR to request reimbursement for any unpaid lines.

We recommend using the BEAR Online tool from the Apply Online area or Required Forms section of our website for additional submissions. If a new BEAR cannot be submitted before the invoice deadline passes, you or your customer may submit a request for a deadline extension. (See "Invoice Deadlines and Extension Requests" posted in the SLD section of our website for more information.)

Pursuant to the Federal Communication Commission's (FCC) Second Report and Order and Further Notice of Proposed Rulemaking (FCC 03-101, released April 29, 2003), you must remit the amount shown as "Total Amount of Reimbursement Approved for Payment" above to your customer no later than 20 days after receipt of payment of the approved discounts from USAC. You also agreed not to tender or make use of the payment of the approved discounts issued by USAC to you prior to remitting the discount to your customer (See BEAR Form, Block 4, Service Provider Acknowledgment).

The USAC check should be mailed to the service provider named above within 20 days of the date of this letter.

Schools and Libraries Division - Correspondence Unit
20 Lanidex Plaza West, PO Box 685, Parsippany, NJ 07054-0685
Visit us online at: www.usac.org/sl

The maximum remaining amount available for each Funding Request Number (ERN) listed on the Report will be the original commitment less the amount approved herein for reimbursement and less any earlier disbursements to your customer.

PLEASE NOTE: The type of invoice form (BEAR or SPI) for the funding year is established by the receipt and approval of the first invoice submitted for the ERN for the funding year. For example, if we successfully process a BEAR for an ERN, we will not approve a SPI for that same ERN at a later time.

Please see the Guide to Letter Reports posted on our website for an explanation of the items listed in the attached Report.

COMPLETE PROGRAM INFORMATION is posted on our website. You may also contact our Client Service Bureau using the "Submit a Question" link on our website, toll-free by fax at 1-888-276-8736 or toll-free by phone at 1-888-203-8100.

Schools and Libraries Division
Universal Service Administrative Company

CC: POLO SCHOOL DISTRICT R 7

BEAR NOTIFICATION LETTER APPLICANT REIMBURSEMENT REPORT

Form 471 Application Number: 928263
Funding Request Number: 2534995
Funding Year 2013: 07/01/2013 - 06/30/2014
Contract Number: MTM
Funding Commitment Decision: \$4334.69
Reimbursement Amount for this FRN: \$3129.67



Applicant: Polo School District R7
BEN: 137235
FCC Form 471 Application Number 928263
FRN: 2534995
FY: 2013

Supporting Document #3-06/18/2018 USAC Recovery of Improperly Disbursed
Funds Letter



Universal Service
Administrative Co.

Recovery of Improperly Disbursed Funds Letter

Beverly Deis
POLO SCHOOL DISTRICT R 7
300 W SCHOOL STREET
POLO, MO 64671 - 9341

6/18/2018

Our review of your Schools and Libraries Universal Service Support Program (or E-rate) funding request has determined funds were committed in violation of Federal Communications Commission (FCC) rules. You have 60 days from the date of this letter to appeal the following decision(s). For more detailed information see below.

Total amount to be recovered: \$3,129.67

<i>FCC Form 471</i>	<i>FRN</i>	<i>Commitment adjustment</i>	<i>Total amount to be recovered</i>	<i>Explanation(s)</i>	<i>Party to recover from</i>
928263	2534995	\$0.00	\$3,129.67	FCC Directive	Applicant

See Attached Adjustment Report for more information on the specific FRNs and Explanations listed above.

Recovery of Improperly Disbursed Funds

Our review of your Universal Service Schools and Libraries Support Program (or E-rate) funding request(s) referenced in the Adjustment Report has determined funds were improperly disbursed in violation of Federal Communications Commission (FCC) rules. A copy of that Adjustment Report is also attached to this letter.



Universal Service Administrative Co.

FCC rules require the Universal Service Administrative Company (USAC) to rescind commitments and recover funding when it is determined that funding was committed and disbursed in violation of the rules. This letter notifies you that USAC will be adjusting your funding commitment(s) and provides information on how to appeal this decision.

This is NOT a bill. If disbursed funds need to be recovered, USAC will issue a Demand Payment Letter. The debt referenced in the Demand Payment Letter will be due within 30 days of that letter's date. Failure to pay the debt may result in interest, late payment fees, and administrative charges and will invoke the FCC's "Red Light Rule."

FCC's Red Light Rule

The FCC Red Light Rule requires USAC to dismiss pending FCC Form 471 applications, appeals, and invoices or to net disbursements offsetting the debt if the entity responsible for paying the outstanding debt owed to the FCC has not paid the debt or made satisfactory arrangements to pay the debt within 30 days of the Demand Payment Letter. For information on the Red Light Rule, see

<https://www.fcc.gov/licensing-databases/fees/debt-collection-improvement-act-implementation>

To Appeal This Decision

If you wish to contest any part of this letter, you must first file an appeal with USAC to seek review of the decision. Parties that have filed an appeal with USAC and received an adverse decision may, if they choose, appeal USAC's decision to the FCC. Parties seeking a waiver of a codified FCC rule should file a request for waiver directly with the FCC because USAC cannot waive FCC rules. Your appeal to USAC or waiver request to the FCC must be filed within 60 days of the date of this letter.

All appeals filed with USAC must be filed in EPC by selecting "Appeal" from the menu in the top right hand corner of your landing page and providing the requested information.

Your appeal should include the following information. (Because you file the appeal through your EPC account, the system will automatically fill in some of these components for you).

- 1) Name, address, telephone number, and email address for the contact person for this appeal.
- 2) Indicate specifically that your letter is an appeal. Include the following to identify the USAC decision letter (e.g., Recovery of Improperly Disbursed Funds) and the decision you are appealing:



**Universal Service
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- a. Appellant name;
- b. Applicant name and service provider name, if different from appellant;
- c. Applicant BEN and Service Provider Identification Number (SPIN);
- d. FCC Form 471 Application Number and the Funding Request Number (FRN) or Numbers as assigned by USAC;
- e. "Recovery of Improperly Disbursed Funds," AND the exact text or the decision that you are appealing.

3) Identify the problem and the reason for the appeal and explain precisely the relief sought. Please keep your appeal to the point, and provide supporting documentation. Be sure to keep a copy of your entire appeal, including any correspondence and documentation. A copy will automatically be saved for you in EPC. USAC will reply to your appeal submission to confirm receipt.

For more information on submitting an appeal to USAC including step by step instructions on how to file the appeal through EPC, please see "Appeals" in the Schools and Libraries section of the USAC website.

As mentioned, parties seeking a waiver of FCC rules or that have filed an appeal with USAC and received a decision may file a request for waiver or appeal USAC's decision to the FCC. Waiver requests or appeals to the FCC must be made within 60 days of the issuance of USAC's decision and include all of the information referenced above for appeals to USAC.

The FCC recommends filing appeals or waiver requests with the Electronic Comment Filing System (ECFS) to ensure timely filing. Electronic waiver requests or appeals will be considered filed on a business day if they are received at any time before 11:59 PM ET. If you have questions or comments about using the ECFS, please contact the FCC directly at (202) 418-0193.

For more information about submitting waiver requests or appeals to the FCC, including options to submit the waiver request or appeal via U.S. mail or hand delivery, visit the FCC's website.

Schools and Libraries Division

cc: Thelma Harkrider
Westel, Inc.



Universal Service
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Adjustment Report

FCC Form 471 Application Number:	928263
Funding Request Number:	2534995
Commitment Adjustment:	\$0.00
Total Amount to Be Recovered:	\$3,129.67
Explanation(s):	FCC Directive
Party to Recover From:	Applicant
Funding Year:	2013
Billed Entity Number:	137235
Services Ordered:	TELCOMM SERVICES
Service Provider Name:	Westel, Inc.
SPIN:	143003000
Original Funding Commitment:	\$4,334.69
Adjusted Funding Commitment:	\$4,334.69
Funds Disbursed to Date:	\$3,129.67

Funding Commitment Adjustment Explanation

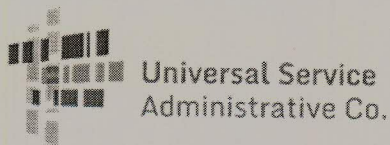
You received disbursements after your invoice deadline. For recurring services, invoices must be submitted no later than 120 days after the last day to receive service or 120 days after the FCC Form 486 Notification Letter date, whichever is later. Services must be delivered within the fund year. Your invoice was received after the invoice deadline. Therefore, USAC must seek recovery of improperly disbursed funds in the amount of \$3,129.67.

Applicant: Polo School District R7
BEN: 137235
FCC Form 471 Application Number 928263
FRN: 2534995
FY: 2013

Supporting Document #4-09/26/2018 USAC Administrator's Decision on Appeal –
Funding Year 2013

Lori Puckett
Federal Funds Assistant
1416 16th Avenue
Camanche, IA 52730

Billed Entity Number: 137235
Form 471 Application Number: 928263
Form 486 Application Number: 980426



Administrator's Decision on Appeal – Funding Year 2013

September 26, 2018

Lori Puckett
Federal Funds Assistant
1416 16th Avenue
Camanche, IA 52730

Re: Applicant Name: Polo School District R 7
Billed Entity Number: 137235
Form 471 Application Number: 928263
Funding Request Number(s) (FRN): 2534995
Your Correspondence Received Date: July 18, 2018

The Universal Service Administrative Company (USAC) has completed its evaluation of the July 18, 2018 letter of appeal (Appeal) submitted by Polo School District R 7 (the District).¹ The Appeal requests that USAC cease its recovery action because the District timely submitted its invoice before the extended September 1, 2017 invoicing deadline.²

USAC has reviewed the appeal and the facts related to this matter and determined that it cannot grant the appeal because USAC is not authorized to waive the Federal Communications Commission (FCC) rules.³ USAC is also required to seek recovery for funding that is disbursed in violation of the FCC rules.⁴

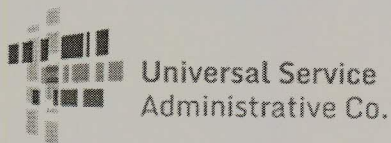
On May 30, 2017, the Federal Communications Commission (FCC) issued the *Jefferson-Madison Reconsideration Order* directing USAC to identify and allow all applicants who

¹ Letter from Lori Puckett, Consultant, Federal Funds Assistant to Schools and Libraries Division, USAC (July 18, 2018) (*Appeal*).

² *Id.* at 2.

³ See generally, 47 C.F.R. § 54.702(c) (2013) (“[USAC] may not make policy, interpret unclear provisions of the statute or rules, or interpret the intent of Congress.”). See 47 C.F.R. § 54.719(c) (“Parties seeking waivers of the Commission’s rules shall seek relief directly from the Commission.”).

⁴ See *Changes to the Bd. Of Directors of the Nat’l Exchange Carrier Association, et al.*, CC Docket Nos. 96-45, *et al.*, Order, FCC 99-291 (1999) (*Commitment Adjustment Order*); *Changes to the Bd. Of Directors of the Nat’l Exchange Carrier Association, et al.*, CC Docket Nos. 96-45, *et al.*, Order, 15 FCC Rcd 7197 (1999) (*Commitment Adjustment Waiver Order*); *Changes to the Bd. of Directors of the Nat’l Exchange Carrier Association, et al.*, CC Docket Nos. 96-45, *et al.*, Order, 15 FCC Rcd 22975 (2000) (*Commitment Adjustment Implementation Order*).



timely filed their Billed Entity Application for Reimbursement (BEAR) forms to be allowed to resubmit their BEAR forms even if their service provider failed to certify the BEAR form prior to the original invoicing deadline.⁵

The invoicing deadline for Funding Request Number (FRN) 2534995 was December 28, 2015. The District did not submit a BEAR form for that FRN by that deadline, and therefore was ineligible for relief under the *Jefferson-Madison Reconsideration Order*. However, USAC erroneously identified the District as an applicant who qualified for the relief and improperly extended the invoice filing deadline for FRN 2534995 to September 1, 2017.⁶ Because USAC is not authorized to waive the FCC's invoicing deadline rules,⁷ USAC must recover funding that was disbursed in violation of the FCC's rules.⁸ For these reasons, your appeal is denied.

If you want to seek a waiver of FCC rules, or if you wish to appeal this decision, you must submit your request for waiver or appeal to the FCC within 60 days of the date of this decision letter. On all communications with the FCC, be sure to reference CC Docket No. 02-6. The FCC recommends filing with the Electronic Comment Filing System (ECFS) to ensure timely filing. You can find instructions for using ECFS on the ECFS Online Manual page of the FCC's website. The FCC will consider electronic filings as filed on a business day if they are received before midnight ET. If you have questions or comments about using the ECFS, please contact the FCC directly at (202) 418-0193 or via email. For additional information about submitting appeals or waiver requests to the FCC, including options to submit via U.S. mail or hand delivery, visit the FCC's website at: <https://www.fcc.gov/reports-research/guides/how-file-paper-documents-fcc>.

⁵ *Petition for Reconsideration by Jefferson-Madison Regional Library*, CC Docket No. 02-6, Order on Reconsideration, 32 FCC Rcd 4626, 4632, para. 15 (2017).

⁶ See Letter from Schools and Libraries Division, USAC to Don Wilburn, Polo School District R 7 (Aug. 2, 2017) (notifying the District that it qualified for relief pursuant to the *Jefferson-Madison Order* and extending the invoicing deadline to September 1, 2017).

⁷ See generally, 47 C.F.R. § 54.702(c) (2013) ("[USAC] may not make policy, interpret unclear provisions of the statute or rules, or interpret the intent of Congress."). See 47 C.F.R. § 54.719(c) ("Parties seeking waivers of the Commission's rules shall seek relief directly from the Commission."). *Request for Review of the Decision of the Universal Service Administrator by Merced Union High School*, CC Docket No. 96-45, Order, 15 FCC Rcd 18803, 18805 (2000) ("We note that rules and policies are enforced even where a party received erroneous advice from a government employee, and the Commission is not estopped from enforcing its rules in a manner that is inconsistent with the advice provided by the employee, particularly when the relief requested would be contrary to an applicable statute or rule.").

⁸ See *Changes to the Bd. Of Directors of the Nat'l Exchange Carrier Association, et al.*, CC Docket Nos. 96-45, *et al.*, Order, FCC 99-291 (1999) (*Commitment Adjustment Order*); *Changes to the Bd. Of Directors of the Nat'l Exchange Carrier Association, et al.*, CC Docket Nos. 96-45, *et al.*, Order, 15 FCC Rcd 7197 (1999) (*Commitment Adjustment Waiver Order*); *Changes to the Bd. of Directors of the Nat'l Exchange Carrier Association, et al.*, CC Docket Nos. 96-45, *et al.*, Order, 15 FCC Rcd 22975 (2000) (*Commitment Adjustment Implementation Order*).



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Schools and Libraries Division - Correspondence Unit
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Visit us online at: www.usac.org/sl